

Amendments to the Drawings:

The attached replacement sheet of drawings includes changes to Fig. 21 and replaces the original sheet including Fig. 21.

Figure 21 has been amended to show (1) a configuration where electrically conductive surface 2135, referred to as electrically conductive surface 2135a, projects from the tissue contacting surface 2122a and (2) a configuration where electrically conductive surface 2135, referred to as electrically conductive surface 2135b, is recessed in tissue contacting surface 2122a.

Attachments following last page of this Amendment:

Replacement Sheet (1 page)

REMARKS

Claims 1-46 are pending, with claims 1, 33, 35-40, and 46 being independent. Claims 3, 5-7, 9, 10, 15, 16, 25-30, 36, 39, and 42 have been withdrawn. Applicants have amended claims 1, 17, 33, 35, 17, 38, 40, and 46.

The drawings stand objected to under 37 C.F.R. § 1.83(a) as failing to show the features of claims 13, 14, 20, and 21.

Regarding claims 13 and 14, the claimed rigid wire is shown in Fig. 19 as wire 1980, and is described in the specification as "being made from a rigid material, such as stainless steel or plastic." See Specification at page 15, lines 10-12.

Regarding claims 20 and 21, Fig. 21 has been amended to show the claimed electrically conductive surface projecting from, or being recessed in, the tissue contacting surface.

Claims 1, 4, 8, 11-14, 32-35, 37, 38, and 46 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lennox (5,919,191), and claims 13 and 14 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lennox.

Applicants thank the Examiner for the telephone interviews that took place on November 8, 2006 and November 9, 2006. As discussed, Lennox does not describe or suggest a head having an electrically conductive surface and a non-conductive surface, as recited in amended claims 1 and 46. Therefore, as indicated by the Examiner, the amendments to claims 1 and 46 overcome the rejection over Lennox.

Regarding claims 33, 35, 37, and 38, and as discussed, Lennox describes an instrument having a roller electrode (see, e.g., Lennox at col. 5, line 50 to col. 8, line 19 and element 14 of Figs. 1a, 1b, 2, 4-11) or a sled electrode (see, e.g., Lennox at col. 11, lines 5-19). However, Lennox does not describe or suggest that such electrodes include a substantially planar tissue contact surface, as recited in amended claims 33, 35, 37, and 38.

Therefore, for at least the reasons discussed above, claims 1-4, 8, 11, 12, 32-35, 37, 38, and 46 are patentable over Lennox.

Claims 1, 17-24, 31, 40, 41, and 43-45 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Haissaguerre (6,068,629).

As discussed during the telephone interviews, rather than a flexible portion configured to passively bias an electrically conductive surface of a head towards a tissue surface, as recited in amended claims 1 and 40, Haissaguerre's deflectable tip (see, e.g., Haissaguerre at col. 7, lines 10-26 and element 28 of Fig. 1), which the Examiner equates with the claimed flexible portion, is manually steered using a manipulator wire, an adjustment slide and a rotating torque ring (see, e.g., Haissaguerre at col. 10, lines 13-55 and elements 66, 11 and 42 of Figs. 2-5).

Therefore, for at least the reasons discussed above, claims 1, 17-24, 31, 40, 41, and 43-45 are patentable over Haissaguerre.

Claim 2, which depends from claim 1, stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lennox in view of Rosar (5,300,068) and as being unpatentable over Haissaguerre in view of Rosar.

Rosar does not overcome the deficiencies in Lennox or the deficiencies in Haissaguerre discussed above. In particular, Rosar does not describe or suggest (1) a head having an electrically conductive surface and a non-conductive surface or (2) a flexible portion being configured to passively bias an electrically conductive surface of a head towards a tissue surface, as recited in amended claim 1. Rather, Rosar describes arcing an occlusion using a single, manually steered wire that includes an electrode at a distal tip (see, e.g., Rosar at col. 9, line 31-53 and col. 11, line 44 to col. 12, line 17). There is no description or suggestion in Rosar that the electrode includes a non-conductive surface.

Therefore, for at least the reasons discussed above, claim 2 is patentable over Lennox in view of Rosar and over Haissaguerre in view of Rosar.

Claim 38 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tu (6,238,390) in view of Lennox.

Tu does not describe or suggest a head including a substantially planar tissue contact surface, as recited in amended claim 38. Rather, Tu describes a catheter system having an electrode 13, which can be a cylindrical electrode, a ball-type electrode, an oval-type electrode, a

porous electrode, or an electrode having a studded surface, at its distal tip section (see, e.g., Tu at col. 5, line 62 to col. 6, line 6). As discussed above, Lennox does not overcome this deficiency in Tu.

Therefore, for at least the reasons discussed above, claim 38 is patentable over Tu in view of Lennox.

Applicants do not acquiesce to the characterizations of the art. For brevity and to advance prosecution, however, Applicants may have not addressed all characterizations of the art, but reserve the right to do so in further prosecution of this or a subsequent application.

The absence of an explicit response by the applicant to any of the examiner's positions does not constitute a concession of the examiner's positions. The fact that applicant's comments have focused on particular arguments does not constitute a concession that there are not other good arguments for patentability of the claims. All of the dependent claims are patentable for at least the reasons given with respect to the claims on which they depend.


Applicant asks that all claims be allowed.

No fee is believed to be due. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

11/16/06



Stephanie M. Deckter
Reg. No. 58,652

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331
40373747.doc